

U.S. DISTRICT COURT  
DISTRICT OF N.H.  
FILED ✓

2005 JUN 24 P 12:01

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE**

Randolph Chambers

v.

Case No. 05-fp-219

New Hampshire State Prison  
Medical Department, et al.

**O R D E R**

Proceeding *pro se* Randolph Chambers has filed a complaint pursuant to 42 U.S.C. § 1983, alleging violations under the Eighth Amendment to the United States Constitution, Title II of the Americans With Disabilities Act ("ADA"), 42 U.S.C. § 12132, et seq. and New Hampshire state law (document nos. 1 and 5). Seeking declaratory, injunctive and monetary relief, he brings this action against the New Hampshire State Prison ("NHSP") Medical Department and four NHSP employees: Nurse Brad; Lieutenant Guimond; Unit Manager C. Thying; and J. Leeka.

The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; U.S. District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2).

For the reasons stated in the report and recommendation issued simultaneously herewith, I find that Chambers has alleged Eighth Amendment claims premised on the denial of adequate medical care against Guimond, Brad, Leeka and Thying. I have recommended dismissal of all remaining claims.

Pursuant to the Agreement of Acceptance of Service entered into between the Clerk of Court and the Attorney General of the State of New Hampshire ("AG"), the Clerk's office is directed to forward to the AG's office, by certified mail, return receipt requested, copies of complaint (document nos. 1 and 5), report and recommendation and this order. See LR 4.3(d)(2)(c). Within thirty days from receipt of these materials, the AG will submit to the court an Acceptance of Service notice specifying whether defendants have authorized the AG's office to receive service on their behalf. When the Acceptance of Service is filed, service will be deemed made on the last day of the thirty-day period.

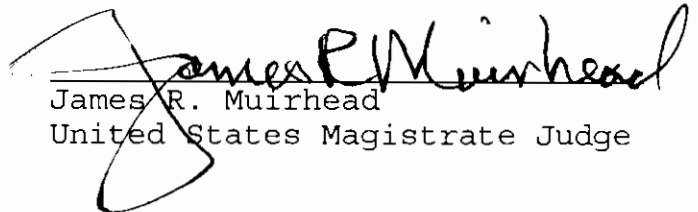
If defendants do not authorize the AG's office to receive service on their behalf or should the AG decline to represent them, the AG shall, within thirty days from receipt of the aforementioned materials, provide a separate list of the last known address of defendants. The Clerk's office is instructed to

complete service on these individuals by sending to them, by certified mail, return receipt requested, copies of these same documents.

Defendants are instructed to answer or otherwise plead within thirty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on defendants by delivering or mailing the materials to them or their attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

  
James R. Muirhead  
United States Magistrate Judge

Date: June 24, 2005

cc: Randolph Chambers, *pro se*

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